

**From:** Nancy Sikes

**Sent:** Monday, October 05, 2015 9:46 AM

**To:** CEQA Guidelines

**Subject:** Response to Preliminary Discussion Draft of Changes to the CEQA Guidelines

In response to the proposed changes to the CEQA Guidelines (draft dated August 11, 2015), I have the following comments on the drafted updates on page 55 to Appendix G, part V Cultural Resources and the related movement of paleontological resources and unique geologic features to Appendix G, part XI Open Space, Managed Resources and Working Landscapes on page 63:

I applaud the proposed update on page 55 of part V Cultural Resources combining the questions under sections a) and b): "a) Cause a substantial adverse change in the significance of a historical resource or of a unique archaeological resource pursuant to §15064.5?" This update will resolve the various ways this topic has been addressed in myriad environmental documents (e.g., address built environment and archaeological resources separately, while ignoring that archaeological resources may be historical resources; combining built environment and archaeological resources as cultural resources, etc.).

Agree with part V Cultural Resources proposed language on page 55 for tribal cultural resources: "b) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074?"

Disagree strongly with removal of paleontological resources and unique geologic features from consideration under cultural resources (page 55) and with the inclusion of paleontological resources as natural resources potentially impacted under "open space" under the new topic, "XI. Open Space, Managed Resources and Working Landscapes" (page 63), as follows:

I disagree with the interpretation of AB 52 as requiring the removal of paleontological resources from consideration under cultural resources in Appendix G. AB 52 simply states that the guidelines would be revised to "Separate the consideration of paleontological resources from tribal cultural resources and update the relevant sample questions" (PRC 21083.09(a)). The statutory additions and amendments to the PRC under AB 52 do not require paleontological resources to be removed from consideration under the overarching topic of cultural resources in Appendix G. AB 52 simply requires recognition that the revisions to the Appendix G guidelines create sample questions for tribal cultural resources that are separate from paleontological resources.

I disagree with the inclusion of paleontological resources on pages 62-63 under the new topic, XI. Open Space, Managed Resources and Working Landscapes and with the limitation of paleontological resources in open spaces: "Would the project adversely affect open spaces containing natural resources and working landscapes?" Considerations may include, among others, whether the project would: a) Adversely impact open space for the preservation of natural resources, including, but not limited to: (iii) unique paleontological resource or site or unique geologic feature?" [emphasis added]. On page 39 of the draft document, we learn the term "open space" refers to how open space land is defined in Govt. Code §65560. The problem with the phrasing is that unique or significant paleontological resources are not restricted to "open spaces containing natural resources." It is not just development of open spaces that may impact paleontological resources -- projects in urban or suburban areas or development of land presently disturbed or formerly used for agricultural practices, etc. also have the potential to impact significant paleontological resources. Projects have the potential to impact paleontological resources on the land surface as well as beneath the land surface. Depending on location, rock units sensitive for paleontological resources may be exposed on the surface by fluvial actions or as outcrops, found at depth beneath younger sediments, or found beneath only a thin veneer of surficial soils or Holocene fan or alluvial deposits. In general, again depending on location, the paleontological potential

of impacting subsurface fossilized material generally increases with depth beneath the surface, as well as with proximity to known fossiliferous deposits.

A well-known case in point of a project impacting significant paleontological resources found beneath an existing urbanized area is the construction of the Purple Line Extension by the Los Angeles Metropolitan Transit Authority (Metro) (<http://www.metro.net/projects/westside/>). Located in downtown Los Angeles, the project has unearthed a variety of significant Pleistocene fossils (see, e.g., 3/14/2014 article in LA Times <http://www.latimes.com/local/la-me-subway-fossils-20140315-story.html#axzz2w8esoiXD>). Restricting paleontological resources to “open spaces” would be ineffectual toward the protection of the limited, non-renewable paleontological resources of scientific, cultural, and educational value. The language would also confuse agency personnel and attorneys who are non-specialists not familiar with paleontological potential. The language would result in the destruction of scientifically significant discoveries impacted by projects in non-open space areas on non-federal lands (paleontological resources on federal lands are protected under the Paleontological Resources Preservation Act of 2009).

We should not move paleontological resources from part V Cultural Resources (page 55). Akin to built environment, archaeological, tribal resources, and human remains, paleontological resources are part of our nation’s heritage—that is the link for including under part V. Paleontological resources have scientific, cultural, and educational value. We should leave as is under Appendix G: “V Cultural Resources – Would the project: c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?”

I appreciate the opportunity to respond to the drafted updates.